

## ARTICLE IX. - SOLID WASTE, RECYCLABLE MATERIALS AND VEGETATION

### FOOTNOTE(S):

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**Editor's note**— Ord. No. 1895, § 9, adopted March. 19, 2013, amended Art. IX title to read as herein set out. Former Art. IX title pertained to solid waste and vegetation.

### DIVISION 1. - IN GENERAL

#### Sec. 3-148. - Definitions.

In this article:

*Bulky waste* means appliances, furniture, household equipment, up to five cubic yards of construction and demolition waste from do-it-yourself home projects, and other items too large for the cart.

*Cart* means a city-issued rolling, molded plastic container, equipped with a lid, capable of holding not more than 95 gallons, and designed to be collected by an automated collection vehicle.

*Commercial property* means real property that is not a residential property.

*Commercial solid waste* means any solid waste generated from any improved real property other than improved real property used for single- or two-family dwellings. Commercial solid waste includes industrial waste and construction and demolition waste.

*Commercial solid waste customer* means the owner or lessee of commercial property or of residential property with respect to the collection of construction and demolition waste.

*Commercial solid waste operator* means any person who collects, hauls, or transports commercial solid waste industrial solid waste, or residential construction debris for a fee by use of a motor vehicle.

*Construction and demolition waste* means waste resulting from construction or demolition projects, which includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures. Such materials may include paper, cartons, gypsum board, wood, excelsior, rubber, and plastic.

*Container* means a receptacle designed to contain solid waste.

*Eligible commercial waste customer* means any person receiving commercial solid waste or construction and demolition waste collection and disposal services from a city-licensed commercial solid waste operator under an existing contract or agreement in effect on October 1, 2013.

*Exclusive franchisee* means the commercial solid waste operator holding and exclusive franchise from the city to collect and dispose of commercial solid waste.

*Garbage* means the waste resulting from the handling, preparation, cooking or consumption of produce, food and other biodegradable matter.

*Green waste* means items such as yard trimmings, brush, clean wood material, tree limbs, vegetative material, leaves, grass clippings (no sod), mixed yard waste, leaf mulch, shrubbery, sawdust, Christmas trees, wood chips, and any other landscape waste material conducive to the composting process.

*Hazardous waste* means any waste identified or listed as hazardous waste by any state or federal agency.

*Household hazardous waste* means hazardous waste generated by or from a residential property. The city maintains a list of household hazardous waste items designated to be collected from a residential property.

*Household waste* means solid waste generated from a residential property that can be enclosed in a container designed for solid waste. Household waste does not include bulk building materials or construction debris.

*Industrial solid waste* has the meaning as defined in V.T.C.A, Health and Safety Code, Ch. 361, as amended.

*Industrial waste* means solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

*Recyclable material* means a material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Although recyclable material is not solid waste, it may become solid waste if it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect to the party actually abandoning or disposing of the material.

*Recycling* means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Except for mixed municipal solid waste composting, that is, composting of the typical mixed solid waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.

*Refrigerant* means a Class I or Class II substance as listed in 42 U.S.C. Section 7671a and rules adopted under that section, as amended.

*Residential property* means real property containing a building designed for use as a single- or a two-family residence.

*Solid waste* means all garbage, rubbish, refuse or other solid waste materials normally generated from commercial or residential properties other than recyclable material, hazardous waste generated by commercial solid waste customers, domestic septage, grease trap waste, grit trap waste, lint trap waste, or sand trap waste. For residential properties, solid waste may include household waste, garbage, dead animals, bulky waste, green waste, recyclable material, and household hazardous waste.

*Temporary construction and demolition waste* means construction and demolition waste from a project that does not exceed 30 days.

*Weeds* means all rank and uncultivated vegetable growth or matter which is liable to become an unwholesome or decaying mass or breeding place for flies, mosquitoes, or vermin.

(Ord. No. 981, § 1, 1-16-96; Ord. No. 1412, § 2, 9-16-03; Ord. No. 1425, § 2, 12-2-03; Ord. No. 1504, § 1, 6-21-05; Ord. No. 1577, § 19, 8-1-2006; Ord. No. 1656, § 2, 12-4-2007, eff. 3-1-2008; Ord. No. 1838, § 1, 11-15-2011; Ord. No. 1895, §§ 2—4, 3-19-2013)

Sec. 3-149. - Improper disposal or removal of solid waste.

- (a) It is unlawful for any person to transport any solid waste generated from any private real property and place that solid waste into a container located on public property owned or controlled by the city without the city's consent.
- (b) It is unlawful for any person to place solid waste into any solid waste container not owned by, rented to, or under the control of that person, unless the person placing the solid waste has the consent of the owner or person exercising control of the container.

- (c) It is unlawful for any person to transport solid waste from any place outside the city limits to any place within the city limits for the purpose of causing the same to be collected as residential solid waste by the city.
- (d) It is unlawful for any person to remove any solid waste, including any recyclable solid waste, from any container located on any residential property after the container has been placed in a location for collection by the city. It is a defense to prosecution under this section that the person was authorized by the city to collect the solid waste or the person owns or has the right to use the solid waste container.

(Ord. No. 981, § 1, 1-16-96; Ord. No. 1412, § 3, 9-16-03; Ord. No. 1577, § 19, 8-1-2006)

#### Sec. 3-150. - Offenses.

- (a) It is unlawful for any person to operate or use a motor vehicle to unload or empty a solid waste container by means of a mechanical lifting apparatus or device attached to the motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. of the following day, if the container is located within 400 feet of a residential property.
- (b) All solid waste must be transported in leak proof containers or in leak proof vehicle bodies or compartments and be so fitted and constructed so that the solid waste is kept covered at all times except when being loaded and emptied.

(Ord. No. 1895, § 5, 3-19-2013)

#### Secs. 3-151—3-154. - Reserved.

### DIVISION 2. - RESIDENTIAL SOLID WASTE

#### Sec. 3-155. - Solid waste containers.

- (a) Each residential property must use a cart provided by the city for the collection and removal of solid waste and must use a cart provided by the city for the collection and removal of recyclable material. The city will provide the carts to each residential property. Carts remain the property of the city and may not be removed from the residential property served except by the city.
- (b) Customers may request and the city will provide additional carts, for a monthly fee, if the customer generates solid waste in a quantity that exceeds the capacity of the carts provided between removal dates.
- (c) The city will replace a cart, at no cost to the customer, if the cart is stolen or damaged beyond repair. If a customer's negligence or misuse damages a cart beyond repair, the city will charge the customer a fee for replacing the cart.

(Ord. No. 1412, § 4, 9-16-03; Ord. No. 1577, § 19, 8-1-2006; Ord. No. 1838, § 2, 11-15-2011; Ord. No. 1895, § 6, 3-19-2013)

#### Sec. 3-156. - Requirements for collection.

##### (a) *Customers.*

- (1) Except for bulky and green waste, customers must place all solid waste within a cart provided by the city for collection.
- (2) Customers should contain all solid waste placed in carts used for garbage in plastic or paper bags to help prevent odors and the contents from blowing out of the container when the cart is being emptied.

- (3) Customers may not place hot ashes, car parts, or non-household hazardous waste in a cart or at the curb for collection.
  - (4) Customers may not place construction and demolition waste from a contractor project in a cart or at the curb for collection.
  - (5) Customers must place the carts for solid waste collection at the base of the curb (where curbs exist) with the cart wheels against the curb.
  - (6) Customers must place carts in a manner that does not block sidewalks, that is not within five feet of a mailbox, parked car, or other fixed object, and that is clear of low hanging limbs and utility lines.
  - (7) Customers may not place solid waste in a cart that exceeds the maximum weight rating capacity imprinted on the container.
  - (8) Customers may not place carts out by the curb for collection earlier than 6:00 p.m. the evening before the day of collection and later than 7:00 a.m. of the day of collection. Customers must remove carts from the curb no later than 8:00 a.m. on the morning following the day of collection.
  - (9) Customers may place tree limbs out for collection if the tree limbs are:
    - a. No longer than four feet in length with a diameter of four inches or less; or
    - b. No longer than two feet in length with a diameter between four and six inches.
  - (10) Customers may place up to ten cubic yards of green waste to be collected on the scheduled collection day.
  - (11) Customers may place green waste that exceeds ten cubic yards to be collected within five business days of the customer's scheduled collection day.
  - (12) Customers may place for collection appliances designed to use refrigerants if:
    - a. All doors of a refrigerator or freezer are removed; and
    - b. A tag is prominently displayed on the appliance issued by a person licensed to perform air conditioning and refrigeration work under V.T.C.A., Ch. 1302, Texas Occupations Code, as amended, certifying that all refrigerants have been removed.
  - (13) Customers may not place bulky waste for collection if the total volume of bulky waste exceeds five cubic yards for any one collection day.
  - (14) Customers must place all bulky waste and green waste no farther than four feet from the curb for collection.
- (b) *City*. The city is not required to collect any residential solid waste that does not comply with the requirements of this section.

(Ord. No. 1412, § 4, 9-16-03; Ord. No. 1577, § 19, 8-1-2006; Ord. No. 1656, § 3, 12-4-2007, eff. 3-1-2008; Ord. No. 1838, § 3, 11-15-2011; Ord. No. 1895, § 7, 3-19-2013)

#### Sec. 3-157. - Contract required.

It is unlawful for any person, other than the city, to operate or cause any other person to operate a motor vehicle upon a public street in the city for the purpose of collecting for compensation solid waste generated from residential property. It is a defense to prosecution under this section that:

- (1) The person has a contract with the city or the consent of the city to collect solid waste from residential property within the city; or
- (2) When the residential property was annexed into the city, the person had a contract to collect residential solid waste for the annexed area and had received the city's consent to collect residential solid waste at that location and on that date.

(Ord. No. 1412, § 4, 9-16-03; Ord. No. 1577, § 19, 8-1-2006)

Sec. 3-158. - Fees and billing.

Each residential property must pay a monthly fee as established by the city council for having available or receiving residential solid waste collection and removal services. The fee is billed monthly by the city and is payable on the due date shown on the bill. The charge for residential solid waste service shown on a customer's monthly billing is not considered a separate billing from other city services for purposes of determining delinquency. Should the customer fail to timely pay the total combined monthly bill for water, sewer, and residential solid waste collection, the city may discontinue water service to the residential property in accordance with the provisions applicable to delinquent payments for water and sewer service.

(Ord. No. 1412, § 4, 9-16-03; Ord. No. 1577, § 19, 8-1-2006)

DIVISION 3. - COMMERCIAL SOLID WASTE

Sec. 3-159. - Commercial solid waste requirements.

(a) *Commercial property.* For each commercial property:

- (1) All commercial solid waste must be placed within the container provided by the exclusive franchisee;
- (2) All commercial solid waste must be contained within the container to help prevent odors and the contents from escaping from the container;
- (3) The area around the container must be kept clear of obstructions so that the exclusive franchisee may service the container;
- (4) Containers may not be modified or used for any purpose other than for disposal and collection of commercial solid waste; and
- (5) Containers must be located in a safe, accessible location that allows for adequate clearance for collection.

(b) *Compliance.* The exclusive franchisee is not required to collect commercial solid waste that does not comply with the requirements of this section.

(Ord. No. 1895, § 10, 3-19-2013)

Sec. 3-160. - Opt-out exception for eligible commercial solid waste customer.

(a) Any eligible commercial waste customer may "opt out" of the city's exclusive franchise with the exclusive franchisee as provided in this section.

(b) The eligible commercial waste customer must provide notice of its desire to opt out by July 1, 2013 by submitting to the city's public works department:

- (1) A letter stating the desire to opt out of the exclusive franchise;
- (2) A written certification from the eligible commercial waste customer stating that the eligible commercial waste customer is currently receiving commercial solid waste services from a commercial solid waste operator under an existing contract or agreement; and
- (3) Either:
  - a. A copy of the written contract with the commercial solid waste operator; or,

- b. If there is no written contract, satisfactory documentation showing the existence of an agreement with the commercial solid waste operator to provide commercial solid waste collection service.
- (c) If the eligible commercial waste customer elects to opt out of the city's exclusive franchise under this section, the "opt-out" period begins on October 1, 2013 and ends on the earlier of the expiration of the:
  - (1) Eligible commercial waste customer's term of its contract or agreement with the commercial solid waste operator; or
  - (2) Commercial solid waste operator's valid operating license issued by the city pursuant to chapter 4, article V of this Code.
- (d) The eligible commercial waste customer may notify the city in writing at any time during the opt-out period that it desires to use the services of the exclusive franchisee.

(Ord. No. 1895, § 10, 3-19-2013)

#### Sec. 3-161. - Fees and billing.

Each commercial solid waste customer must pay a monthly fee for commercial solid waste collection services as established by the city council in this Code. The fee will be billed monthly and is payable on the due date shown on the bill.

(Ord. No. 1895, § 10, 3-19-2013)

#### DIVISION 4. - COMMERCIAL RECYCLABLE MATERIALS

#### Sec. 3-162. - Regulations.

Recyclable material from commercial property must:

- (1) Be separated by the commercial solid waste customer from any solid waste generated at the commercial property;
- (2) Not be commingled with any commercial solid waste during storage and/or collection;
- (3) Be stored in carts, containers and/or roll-offs specifically designated to store recyclable material, or bulked and secured in a manner not contributing to a nuisance, windblown litter, discharge to the environment, or potential fire hazard; and
- (4) Be stored in carts, containers, roll-offs or as bulked material with affixed labels, decals, paint or signs that clearly indicate "RECYCLABLE MATERIAL" in letters at least two inches in height, in a color boldly contrasting the paint color of the cart, container, roll-off or bulked material.

(Ord. No. 1895, § 11, 3-19-2013)

#### Sec. 3-163. - Reserved.